

FILED
Clerk
District Court

FEB 21 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

TRANS PACIFIC EXPORT
COMPANY, L.L.C.,

Plaintiff

v.

MARY ANN S. MILNE,

Defendant

Civil Action No. 05-0032

ORDER DENYING MOTION
TO DISMISS FOR FAILURE
TO JOIN NECESSARY OR
INDISPENSABLE PARTY

A ruling on this motion was held in abeyance pending the settlement conference, which was held last week and proved unsuccessful. For this motion, plaintiff appeared by and through its attorney, Eric S. Smith; defendant appeared by and through her attorney, Michael W. Dotts.

THE COURT, having considered the written and oral arguments of counsel, now rules as follows:

1 Federal Rule of Civil Procedure 19 requires that a person must be joined as a
2 party if in the person's absence complete relief cannot be accorded among those
3 already parties, and if the person has a legally protectible interest. The lawsuit must
4 be dismissed if plaintiff has failed to join a necessary or indispensable party and the
5 joinder of such party deprives the court of diversity jurisdiction.
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8 Here, defendant argues that Triple J Enterprises, Inc. must be joined as a
9 party, which joinder would deprive the court of diversity jurisdiction. However, the
10 court concludes that Triple J Enterprises is at best a potential lessee of the property
11 in question, with as yet no legally protectible interest in the property. Because Triple
12 J's interests are entirely hypothetical, full resolution of the dispute between the
13 existing parties can be effected without adding Triple J Enterprises as a party.
14 Accordingly, defendant's motion to dismiss for failure to join Triple J is denied.
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17 IT IS SO ORDERED.

18 DATED this 21st day of February, 2006.
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22 ALEX R. MUNSON
23 Judge
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